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ZNR UUUUU ZZH
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FM AMEMBASSY SANTO DOMINGO
TO RUEHC/SECSTATE WASHDC PRIORITY 6771
INFO RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RUCOWCV/CUSTOMS CARIBBEAN ATTACHE MIAMI FL PRIORITY
RHMCSUU/FBI WASHINGTON DC PRIORITY
RUEAHLC/HOMELAND SECURITY CENTER WASHINGTON DC PRIORITY
RUEFHLC/HQS DHS WASHDC PRIORITY

UNCLAS SANTO DOMINGO 003616

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DEPARTMENT FOR WHA/CAR SEARBY, L/LEI FOR TORRES AND MUELLER
DEPARTMENT OF JUSTICE FOR CRIM/OIA ORJALES AND ESTABROOK
US MARSHALS SERVICE PLEASE PASS TO JIM SCHIELD
DEA FOR OF, OFI, DO, DCO

E.O. 12958: N/A

TAGS: CJAN CVIS KCRM SNAR DR

SUBJECT: DOMINICAN FUGITIVE ESPIRITUSANTO EXTRADITED,
FUGITIVE PENA AWAITING EXTRADITION

REF: A. 2005 STATE 211803

1B. 2003 STATE 262077

11. On November 29, 2006, U.S. Marshals returned Baudilo Espiritusanto to the United States to serve sentence for a federal narcotics-related offense in the State of Texas, as detailed in Count One of indictment number CR H-00-875, filed on December 11, 2000, in the U.S. District Court for the Southern District of Texas. Under a plea agreement, Espiritusanto plead guilty on April 5, 2001, to conspiracy to possess with intent to distribute in excess of five (5) kilograms of cocaine; a crime with a mandatory minimum sentence of ten (10) years and a maximum possible sentence of life imprisonment. The actual sentence imposed was twenty-five (25) years.

12. Following the July 7, 2006, issuance of a Dominican arrest warrant based on a June 13, 2006, U.S. Government request for extradition, Zapata was apprehended July 24, 2006, by officers of the Dominican National Directorate for Drug Control's Fugitive Unit (DNCD). Zapata challenged his extradition before the Criminal Chamber of the Dominican Supreme Court, but was ruled extraditable on September 29, 12006. His extradition was properly confirmed by presidential decree on October 17, 2006.

13. U.S. Marshals will return a second fugitive, Edward David Pena Lora, on November 16, 2006, to face trial in the Southern District of New York. As detailed in indictment 05-CR-195, filed February 17, 2005, Pena has been charged with conspiracy to distribute and to possess with intent to distribute one kilogram or more of heroin. The facts indicate that Pena was involved in the transportation of approximately 4.1 kilograms of heroin from Louisiana, allegedly for sale in the State of New York. (See Ref B)

14. Pena was arrested by DNCD agents on November 7, 2006, following the issuance of a Dominican arrest warrant based on a U.S. extradition request. He chose to waive challenge to his extradition and, on November 8, 2006, knowingly, voluntarily, and intelligently signed a notarized waiver to that effect.

15. With the return of Zapata and Pena, the Dominican government will have returned 25 fugitives through or in lieu of extradition proceedings during CY-2006 (7 during FY-2007).

